

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

McNEIL NUTRITIONALS, LLC,)
Plaintiff,)
v.)
THE SUGAR ASSOCIATION, THE)
AMALGAMATED SUGAR COMPANY,)
AMERICAN CRYSTAL SUGAR COMPANY,)
AMERICAN SUGAR CANE LEAGUE,)
AMERICAN SUGAR REFINING, INC.,)
ATLANTIC SUGAR ASSOCIATION,)
HAWAIIAN SUGAR & TRANSPORTATION)
COOPERATIVE, IMPERIAL SUGAR)
COMPANY, MICHIGAN SUGAR COMPANY,)
MINN-DAK FARMERS COOPERATIVE,)
OKEELANTA CORPORATION, OSCEOLA)
F FARMS COMPANY, RIO GRANDE VALLEY)
SUGAR GROWERS, INC., SOUTHERN)
MINNESOTA BEET SUGAR COOPERATIVE,)
SUGAR CANE GROWERS COOPERATIVE)
OF FLORIDA, UNITED STATES SUGAR)
CORPORATION, WESTERN SUGAR)
COOPERATIVE, WYOMING SUGAR LLC,)
AMERICAN SUGARBEET GROWERS)
ASSOCIATION, AND QORVIS)
COMMUNICATIONS, LLC,)
Defendants.)
C.A. No. 05-69-GMS

**DEFENDANTS' NOTICE
OF PARTIAL WITHDRAWAL OF THE
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

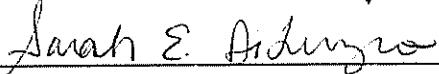
Defendants hereby withdraw that portion, and only that portion, of their Motion to Dismiss Plaintiffs' complaint set forth in Section IV.C.2 of the Brief in Support. That section asserts that Plaintiff McNeil lacks standing to sue certain

defendants because of a lack of causal connection between the charges in the Complaint and those defendants. We are concurrently filing a revised brief with the changes noted above. Attached to that filing as Exhibit A is a "redline" copy of the Brief in Support with the withdrawn portions ruled out. Defendants also withdraw the affidavit of Andrew C. Briscoe, III, attached as Exhibit C of the original brief and referenced in the withdrawn argument.

By removing this argument from its current motion to dismiss, Defendants intend to streamline the motion and remove any rationale for the very extensive discovery proposed by Plaintiff prior to the Court's ruling on the motion to dismiss. For example, in addition to document requests, Plaintiff has served 24 individual deposition notices and 18 Rule 30(b)(6) deposition notices.

Respectfully submitted,

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Attorneys for Defendants

Dated: June 3, 2005
684932

CERTIFICATE OF SERVICE

I hereby certify this 3rd day of June 2005, that a copy of DEFENDANTS' NOTICE OF PARTIAL WITHDRAWAL OF THE MOTION TO DISMISS PLAINTIFF'S COMPLAINT was served on the following counsel via electronic filing on EM/ECF, where it may be reviewed and downloaded:

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Additionally, copies of the foregoing document have been sent to the following counsel in the manner indicated:

BY FEDERAL EXPRESS

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